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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

AVENUE CLO FUND, LTD., et al.,

Plaintiffs,

VS.

BANK OF AMERICA, N.A., et al.,

Defendants.

) Case No. 09-CV-01047-KJD-PAL

1) **RULE 41(A)(1) DISMISSAL BY CERTAIN**
2) **PLAINTIFFS**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41(a)(1), plaintiffs Halcyon Loan
ors CLO I Ltd.; Halcyon Loan Investors CLO II Ltd.; Halcyon Structured Asset Management

RULE 41(A)(1) DISMISSAL BY CERTAIN PLAINTIFFS

1 Long Secured/Short Unsecured CLO 2006-1 Ltd.; Halcyon Structured Asset Management European
2 CLO 2008-II B.V.; Halcyon Structured Asset Management CLO I Ltd.; Halcyon Structured Asset
3 Management Long Secured/Short Unsecured 2007-1 Ltd.; Halcyon Structured Asset Management
4 Long Secured/Short Unsecured 2007-2 Ltd.; and Halcyon Structured Asset Management Long
5 Secured/Short Unsecured 2007-3 Ltd. ("Halcyon Plaintiffs") hereby voluntarily dismiss this action
6 without prejudice. The First Amended Complaint was filed on July 21, 2009. At this time no
7 defendant has answered or filed a summary judgment motion. This voluntary dismissal by the
8 Halcyon Plaintiffs in no way modifies or affects the remaining plaintiffs prosecution of their claims
9 against defendants.

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11 DATED: September 3, 2009

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22 By: /s/ Peter J. Most
Peter J. Most
23 Attorneys for Plaintiffs
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PROOF OF SERVICE

I declare as follows:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 865 South Figueroa Street, Suite 2900, Los Angeles, California 90017. On September 3, 2009, I served the foregoing document described as on the interested parties in this action as follows:

- ☐ by transmitting via facsimile the documents listed above to the fax number set forth below on this date. This transmission was reported as complete without error by a transmission report issued by the facsimile machine upon which the said transmission was made immediately following the transmission. A true and correct copy of the said transmission is attached hereto and incorporated herein by this reference.
- ☒ by placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by electronic transmission. I caused the document(s) listed above to be transmitted by electronic mail to the individuals on the service list as set forth below.
- ☐ by placing the document listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for Delivery.
- ☐ by personally delivering the document listed above to the persons at the address set forth below.

PLEASE SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postal meter date is more than one day after date of deposit for mailing in affidavit.

Executed on September 3, 2009 at Los Angeles, California.

☐ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.


Olivette C. Sasser

SERVICE LIST

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